



FILED

December 10, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: MGR
DEPUTY

Craig Cunningham

v.

Watts Guerra, LLP, et al

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CASE NO. 5:22-cv-363-OLG

JUDGE Orlando L. Garcia

[INITIALS]

Plaintiff's Discovery Requests to Francisco Guerra

Unless otherwise stated, or identified in the local rules, all definitions should be responded to according to their ordinary meaning.

Unless otherwise specified in a particular paragraph, the time period covered by this request is four years prior to the filing of the Complaint in this action through the date of trial.

If any document requested was, but no longer is, in your possession or subject to your control, please state: (a) the date of its disposition; (b) the manner of its disposition (e.g., lost, destroyed, transferred to a third party); and (c) an explanation of the circumstances surrounding the disposition of the document.

All requests are also directed to all parent, related, affiliate and subsidiary companies of defendant, to the greatest extent permissible under the discovery rules. Moreover, defendant is to make transparent, best efforts to obtain materials from third parties such as vendors, which are within their "possession, custody or control" as those terms appear in Fed. R. Civ. P. 34.

"Communication" includes every manner or means of disclosure, transfer, or exchange of information, and every disclosure, transfer or exchange of information, whether orally or by document or whether face-to-face, by telephone, mail, personal delivery, or otherwise.

"TCPA" means the Telephone Consumer Protection Act, 47 U.S.C. § 227, implementing regulations 47 C.F.R. 64.1200, and all valid FCC rulings and opinions interpreting such.

To the extent any paragraph is objected to, please set forth all reasons for your objection.

If you prefer, you may provide legible copies of document that reflect all markings, notations, and highlighting on the originals.

The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

To the extent that any document cannot be furnished, such documents as are available shall be supplied, together with a description of the documents not furnished and the reason for not furnishing them.

"And" and "or" shall be interpreted to mean "and/or," so that said terms are given their broadest possible meaning.

Request for Production of Documents

Request No. 1: Produce all documents that refer or relate to the Plaintiff Craig Cunningham, Bonnie Deraffenre or Patricia Massendale or any persons associated with the address 44 south Adams street Denver, Colorado 8 0 2 0 8 or with the phone numbers 615-348-1977 or 704-444-3333.

Response:

Request No. 2: All documents that identify the dialing capacities of the system(s) used to make or recieve calls as a result of your Zantac Mass tort litigation marketing. This includes, but is not limited to, manuals, evaluations and internal correspondence regarding the equipment and the entity that manufactures that equipment.

Response:

Request No. 3: All documents sent to or received from the FTC, any State Attorney General, or other government entity, relating to allegations of unlawful telemarketing.

Response:

Request No. 4: All documents relating to complaints made to Defendant, or to any individual or entity retained by Defendant, relating to telemarketing calls. This Request specifically includes any complaints to you by mail, email, or telephone;

complaints submitted to any government agency; complaints submitted to any other organization such as the Better Business Bureau, Chamber of Commerce, or other consumer advice or protection organization; or any other organization of any kind.

Response:

Request No. 5: All contracts with any third parties that were engaged by you or to your knowledge that your employer that made any marketing efforts on behalf of the firm Watts Guerra for Zantac mass tort litigation

Response:

Request No. 6: All documents concerning internal investigations conducted by Defendant concerning complaints regarding alleged violations of the TCPA by any marketing partners regarding Zantac mass tort litigation

Response:

Request No. 7: All documents referred to in, identified in, or that provide part or all of the basis for your responses to any Interrogatory propounded by the Plaintiff.

Response:

Request No. 8: All documents, records, data, recordings and other materials relating to Plaintiff or his telephone number, 615-348-1977 or 704-444-3333.

Response:

Request No. 9: All insurance policies that could possibly afford any coverage with respect to the matters complained of in this case together with all correspondence discussing, accepting or declining coverage or reserving rights with respect thereto.

Response:

Request No. 10: Produce all correspondence with Berken Media, Robert Kenyon, and any marketing partners advertising for clients for the Zantac litigation on behalf of Watts Guerra to include emails, text messages, and phone records.

Response:

Request No. 11: Produce all documents relating to any audits, investigations or other inquiries regarding advertising partners advertising for clients on behalf of Watts Guerra for Zantac litigation.

Response:

Request No. 12: Produce all documents relating to any training between Watts Guerra and any marketing partners on how advertising should be done or not for the Zantac litigation.

Response:

Request No. 13: Produce all advertising materials, scripts and drafts of scripts

approved for the Zantac mass tort litigation.

Response:

Request No. 14: Produce all documents reflecting payment exchanged with Watts Guerra and Berken Media, Robert Kenyon, or any advertising partners for Zantac mass tort litigation to include invoices and bank statements.

Response:

Request No. 15: All documents that identify the source of telephone numbers and client names your company obtained through any advertising partners for the Zantac litigation.

Request No. 16: Produce copies of all marketing materials, business plans, memoranda, minutes, and/or other documents that reference using telemarketing or websites to contact persons and/or entities to promote your goods or services.

Response:

Request No. 17: Produce all websites used by any marketing partners that advertise for clients for the Zantac litigation through Watts Guerra directly or through advertising partners

Response:

Request No. 18: Produce all emails, notes, or communication sent to marketing

partners in April 2022 that refer or relate to: Craig Cunningham or calls to 615-348-1977.

Response:

Request No. 19: Produce all websites used by any marketing partners that advertise for clients for the Zantac litigation through Watts Guerra directly or through advertising partners

Response:

Request No. 20: Produce all documents relating to a client or potential clients named Bonnie Deraffenre or Patricia Massendale or any persons associated with the address 44 south Adams street Denver, Colorado 80208 relating to the Zantac Mass tort litigation, including clients referred by marketing partners.

Response:

Request No. 21: Produce all phone records from a phone company for any marketing partners that placed or recieved calls on behalf of Watts Guerra for Zantac mass tort advertising including calls to 615-348-1977 or 704-444-3333.

Response:

Request No. 21: Produce all contracts, payments, tracking of progress, and reports and recommendations for contracts for online advertising companies for Zantac mass tort litigation that were used in 2022 from Alicia O' Neill as specified in your affidavit.

IN THE UNITED STATES DISTRICT COURT
Western District of Texas (San Antonio)

CRAIG CUNNINGHAM,

Plaintiff,

v.

Watts Guerra, LLP, et al

Defendants.

No. 5:22-cv-363-OLG

Craig Cunningham's First Set of Discovery to Francisco Guerra

Interrogatories

1. State the following information related to any of the telephone campaigns :
 - a. Identifying information for the person you were trying to reach (e.g., name, business name, address, email, fax number, all phone numbers);
 - b. Identification of the equipment, third party, and/or software used to make the call (e.g., Avatar, ytel, Five9, Guaranteed Contacts, Aspect, Avaya), and the location of the call origination/dialer;
 - c. The source(s) where you obtained the telephone number called, including the nature of such relationship and the facts and circumstances surrounding such; and

Response:

2. Identify all facts in support of affirmative defenses you have raised.

Response:

3. Identify by name, address, company name, telephone number and all other contact information in your possession, custody or control, the individual or entity that physically dialed the calls to the Plaintiff alleged in his Complaint and identify their job responsibilities.

Response:

4. Please identify the person or persons responsible for receiving, maintaining, investigating, and responding to complaints submitted to Defendant relating to any investigations related to TCPA violations and identify the individual responsible for initiating disciplinary measures against the responsible party.

Response:

5. State why a Watts Guerra Retainer bearing your signature was sent to the Plaintiff and all facts to explain how that document could have wound up in the hands of the parties that emailed it.

Response:

6. Identify each and every person who provided the information to answer these interrogatories, and specify each interrogatory or interrogatories about which each such person had information.

Response:

7. Identify all persons who have made requests to stop being contacted by you or complaints about calls from you or any vendor, including, but not limited to, requests and complaints made by mail, email, or telephone; requests and complaints submitted to any government agency; requests and complaints submitted to any other organization such as the Better Business Bureau, Chamber of Commerce or other consumer advice or protection organization; or any other organization of any kind.

Response:

8. Identify each lawsuit in which Defendant or any of its marketing partners were a named party at any time in the last ten years in which the plaintiff's claims arose under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (hereinafter referred to as the "TCPA") and its implementing regulations.

Response:

9. Identify in detail all interactions that any employee of Defendant, or any third party it retained, has had with the Plaintiff in the last four years.

Response:

10. State what actions were taken by you after the Plaintiff's email on April 20, 2022 notifying you of this lawsuit

Response:

11. State the name, address, and phone number of each marketing partner that you have hired advertising for your Zantac mass tort claims

Response:

12. State the total number of clients that your advertising partners have referred to you as a result of your Zantac mass tort advertising partners

Response:

13. State the method of how you are notified of new clients by your advertising partners as a result of your advertising partners.

Response:

14. State the total number of advertising partners that are advertising for Zantac mass tort claims.

Response:

15. State how payments were made to each advertising partner for Zantac claims

Response:

16. State all websites used by marketing partners for zantac claims

Response:

17. State all forms of advertising by advertising partners for Zantac claims

Response:

18. State the dates of advertising campaigns for Zantac clients by Watts Guerra

Response:

Date: 12/9/2022

Respectfully submitted,

Craig Cunningham, Plaintiff Pro-se, 3000 Custer Road, ste 270-206, Plano, Tx 75075, 615-348-1977

BY: /s/ Craig Cunningham

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was exchanged with all parties and/or all counsel of record *via email and by first class mail*, on this 12/9/2022

/s/ Craig Cunningham

Plaintiff, Pro-se

Admissions

1. Admit you hired Robert Kenyon
2. Admit you hired Berken Media
3. Admit all the allegations in the Plaintiff's complaint are true.
4. Admit you solicited for clients using automated calls
5. Admit you solicited for clients using pre-recorded messages
6. Admit you solicited for clients using calls that violated 47 USC 227b
7. Admit you solicited for clients using calls that violated 47 USC 227(c)
8. Admit that you solicited for clients using calls that violated the Texas Business and Commerce Code
- 9.

Date: 12/9/2022

Respectfully submitted,

Craig Cunningham, Plaintiff Pro-se, 3000 Custer Road, ste 270-206, Plano, Tx 75075, 615-348-1977

BY: /s/ Craig Cunningham